

FRANK L. CHAPIN
SYDNEY L. GUTIERREZ-CHAPIN
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COUNTS
MAY 25 AM 11:26

CLERK
JAMES S. BURKE
CLERK
IDAHO

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO**

FRANK CHAPIN and SYDNEY CHAPIN)	Case No. 02-20218
)	
Debtors,)	OBJECTION TO SALE
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COMES NOW Debtors, Frank L. Chapin and Sydney L. Gutierrez-Chapin, appearing pro se, hereby object to the sale proposed in the Notice of Sale dated by Trustee on April 20, 2004.

Previously, on March 16, 2004, Debtors filed a Motion for Order To Stay The Sale of Certain Bankruptcy Estate Assets, ("Motion"). The Court denied this Motion as there was no sale in place before the court at the time the Motion was made. At this time, a sale is in place before the court, namely; the estate's interest in real property and improvements which the debtors refer to as Dunromin in our bankruptcy schedules. This property consists of 20 acres +/- of real property and a residence, large shop and other improvements located at 243 Dunromin Road, Priest River, Idaho, in Bonner County Idaho.

We understand the bid process has taken place and a bid in excess

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of \$142,000.00 has been made.

Our objections are twofold:

- 1) First, we object on the grounds that Frederick Leaf is not a creditor of debtor's bankruptcy estate. The claim of Frederick Leaf is not fixed and liquidated. This claim has not been adjudicated. There is no claim by Frederick Leaf.
- 2) Second, we object as a woman's marital interest in community property is exempt from collection by a creditor of the husband, Title 11, Chapter 2, 11-204. Debtor's Amended Petition recites alleged debt of the husband.

We request the court to order the bankruptcy trustee to apply the net proceeds from this sale against our joint debt as filed in our petition.

DATED this 24th day of May, 2004.



FRANK L. CHAPIN



SYDNEY L. GUTIERREZ-CHAPIN

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 24 day of May, 2004, I caused to be served a true and correct copy of the foregoing OBJECTION TO SALE by Federal Express, and addressed to the following:

U. S. Trustee
304 N. 8th , Room 347
Boise, ID 83701

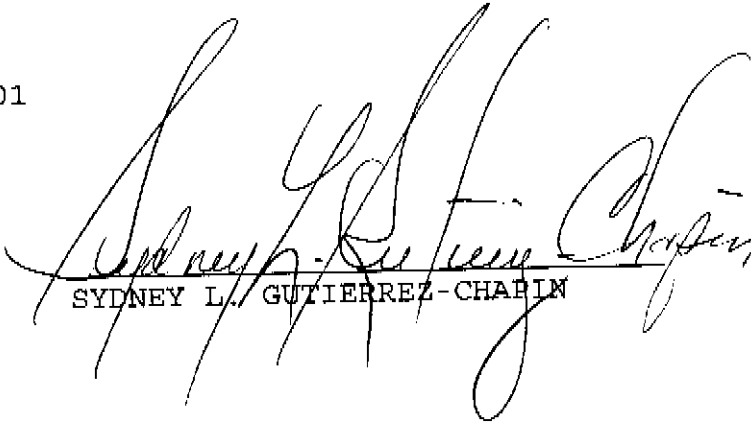
Clerk, Bankruptcy Court
205 N. Fourth Street
Coeur d'Alene, ID 83814

I HEREBY CERTIFY that on this 24 day of May, 2004, I caused to be served a true and correct copy of the foregoing OBJECTION TO SALE by Federal Express, and addressed to the following:

C. Barry Zimmerman
Chapter 7 Trustee
P.O. Box 1240
Coeur d'Alene, ID 83814

James H. Magnuson
Attorney for Chapter 7 Trustee
P.O. Box 2288
Coeur d'Alene, ID 83816

Stephen B. McCrea
P.O. Box 1501
Coeur d'Alene, ID 83816-1501


SYDNEY L. GUTIERREZ-CHAPIN